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January 25, 2002 LB 82

have been able to find any states where this particular standard is in effect. Now, there may be some and, if there are, maybe there's a body of law that could be reviewed to see what the implications are. But this will, if we don't have a body of law or a precedent to look at as to how this application is interpreted and how it works, we will be ...we'll be breaking some new ground. When it comes to this area of the law, I am hesitant to break new ground. You can have the best case in the world, you can have...you can have a defendant who actually confesses to the crime, but we still have our laws and our constitution that we need to follow and...and that is the way it should be. But we need to carefully decide when we change the rules of the game, so to speak, and it's not a game, it's a very serious matter, we change the rules of evidence, we change the standards for admission of evidence, as we would be with this proposal, that we do it very, very carefully and that we do it in a measured way, knowing what all the implications and ramifications are. There are some very good ideas out there and this might be one of them. Sounds good, sounds fair, but in practice this could create, as Senator Stuhr mentioned, additional threshold, an additional burden, an additional expense and additional reason for evidence not to be admitted but to be suppressed in the courtroom, and I think it will result in additional courtroom work and additional hearings. absolutely amazed at...at the fiscal notes that associated with this bill when it was in committee because think they fail to grasp the scope of this and the practical implication of this, and so I would suggest that, at this point in time, that the...the committee and the Legislature go forward with what has a lot of ...

SENATOR CUDABACK: One minute.

SENATOR BROMM: ...good things in it, the rest of LB 82, and that we leave this particular portion behind by voting against this section of the committee amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President. Members, you know, every one of us introduces bills here every year and there isn't